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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,280	04/08/2004	Jack W. Adoline	BGEE 2 00017	8603
27885	7590	08/22/2007		
FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER SY, MARIANO ONG	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,280

Applicant(s)

ADOLINE ET AL.

Examiner

Mariano Sy

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on July 20, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 and 42-96 is/are pending in the application.
- 4a) Of the above claim(s) 33-40, 42-48, 63-71 and 77-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32, 49-62, 72-76 and 84-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed on July 20, 2007 has been received.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-32, 49-62, 72-76, and 84-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adoline et al. (US 6,773,002) in view of Miura et al. (US 6,315,093).

Adoline et al. disclosed, as shown in fig. 1-5, a spring system comprising a housing 24 having an axis, an internal chamber, and axially opposite bottom and top

Art Unit: 3683

ends; a rod member 22 having an inner end 22b in said housing and an outer end 22a axially outwardly of said top end of said housing; a guide member 34 on said inner end of said rod member; first 28 and second 30 compression springs each extending between said guide member and the bottom end of said housing; and top 32 and bottom 38 bushings, said top bushing including an opening to enable said rod member to pass therethrough, said first and second springs being coaxial with one another and with said axis; at least one of said springs at least partially applying a force on said guide member as said rod member moves between fully retracted and fully extend positions, at least one of said springs having a free length that is a majority length of said internal chamber, both of said springs contacting said bottom bushing when said rod member is fully retracted position, said guide member dividing said internal chamber into at least two sub-chambers, wherein the direction of winding of said first compression spring is opposite the direction of winding of said second spring, the free length of first spring is less than the second spring, the outside diameter of said first spring is less than the second spring, the wire diameter of said first spring is less than the second spring.

However Adoline et al. failed to disclose said top end and bottom end of said housing are sealed, wherein the guide member having a first passageway that include a one way valve and a second passageway spaced from each other and from outer edge of the guide member, and wherein the second passageway has a maximum fluid flow rate that is less than a maximum fluid flow rate of the first passageway.

Miura et al. teaches, as shown in fig. 5, a shock absorber having top end and bottom end of the housing sealed and a guide member 3 having a first passageway 14 that include a one way valve and a second passageway 3c spaced from each other and from outer edge of the guide member, and wherein the second passageway has a maximum fluid flow rate that is less than a maximum fluid flow rate of the first passageway.

It would have been obvious to one of ordinary skill in the art to modify the spring system of Adoline et al. having top end and bottom end of the housing sealed and the guide member to include first and second passageway which are old and well known, as taught by Miura et al., in order to seal the inside chamber of the spring system from dirt and moisture and in order to change the damping characteristics of the spring system depending upon the type of application.

5. Applicant's arguments filed on July 20, 2007 have been fully considered but they are not persuasive.

Examiner maintains the rejection is proper.

Applicants argued in the Remarks that "Miura discloses a hydraulic shock absorber. This shock absorber does not include any type of mechanical spring arrangement as required in claims 1 and 49". If it does Miura (US 6,315,093) can be used as a 102(b) rejection.

Miura is merely used for the known teachings top end and bottom end of the housing sealed and a guide member (piston) having a first passageway that include a

one way valve and a second passageway spaced from each other and from outer edge of the guide member, and wherein the second passageway has a maximum fluid flow rate that is less than a maximum fluid flow rate of the first passageway.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

August 14, 2007

  
ROBERT A. SICONOLFI  
SUPERVISORY PATENT EXAMINER